

REMARKS/ARGUMENTS

1.) Claim Rejections – 35 U.S.C. §101

The Examiner rejected claims 11, 16 and 20 on the asserted basis that those claims are directed to non-statutory subject matter. The Applicant has amended claim 11 to make it explicit that each of the functions recited in the method steps are performed in one or more nodes of the telecommunication system. The functions defined in the method steps are not merely “mental steps” because a human cannot, merely by observing a telecommunication system, determine “position related data comprising the locations for mobile users (MS) together with what service is used by each user in terms of bit rate.” Therefore, claim 11 is not directed to non-statutory subject matter. For similar reasons, claims 16 and 20, which recite limitations directed to means for performing those functions, a “control network” or “cell planning system node,” constitute statutory subject matter.

2.) Allowable Subject Matter

The Applicant again thanks the Examiner for the indication of allowable subject matter. As established *supra*, claims 11, 16 and 20 are directed to statutory subject matter and are, therefore, patentable. Whereas claims 12 and 15 are dependent from claim 11 and claims 17 and 18 are dependent from claim 16, and include the limitations of their respective base claims, they are also directed to statutory subject matter. The Applicant, therefore, respectfully requests that the Examiner withdraw the rejection under Section 101 and issue a Notice of Allowance.

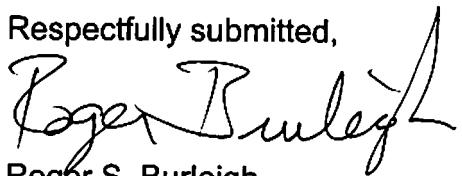
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CONCLUSION

In view of the foregoing amendments and remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 11, 12, 15-18 and 20.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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